

## Environmentally Critical Areas Update Process

### WE WANT TO HEAR FROM YOU!

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Was the January 21 Code and Policy Update Workshop informative? ☐ Yes  
☐ No

Did you feel that your concerns were heard and/or recorded? ☐ Yes ☐ No

If you have additional comments about the four main questions, please let us know:

1. What is currently working well with the ECA regulations? What is not working as well?

Though I did not attend the January 21<sup>st</sup> meeting, I am reporting that I was an active member of Thornton Creek Alliance for 7 or 8 years, and during that time I never saw the ECA protect one single piece of property from development. Each situation that was a concern to us had been exempted either by being "grandfathered in" or by some variance granted by DCLU. We watched wetlands disappear, development occur perilously close to the stream corridor, and other examples of what appeared to be total disregard for this ordinance. We came to regard it as having no teeth at all.

2. What has been your experience with the ECA regulations (e.g., participated in the permit process, observed problems, etc.)? How have you been personally affected by the ECA regulations?

3. How can we improve protection of critical area functions and values while allowing reasonable development opportunities?

I don't believe that DPD should be the enforcer of the Critical Areas Ordinance. It is like having the fox guard the henhouse. DPD must fund its operations through building permits. How can they be trusted to pass up an opportunity to allow development? The Critical Areas Ordinance should be enforced by a neutral regulatory body, one not depending on development for its budget.

4. How can incentives for property owners enhance protection of environmentally critical areas? What incentives should be available for ECA protection?

Perhaps property owners who follow Critical Area guidelines should be allowed to have a small percentage reduction in their property taxes...





City of Seattle  
Department of  
Planning and Development  
Diane Sugimura, Director

Environmentally Critical Areas (ECA) Code and Policy Update Process

**WE WANT TO HEAR FROM YOU!**

*Click on the gray bars to respond.*

Did you attend the January 21 Code and Policy Update Workshop? ☐ Yes ☒ No

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1. What is currently working well with the ECA regulations? What is not working as well?  
Regarding Sand Point Magnuson Park, ECA mapping is incorrect and out-of-date. The most prominent example is the mapping of wildlife preservation area by land owner. The eastern portion of the Sand Point peninsula comprised the main runway for the Naval Air Station, Seattle. In the early 1970's the runway was demolished and lands were transferred to the City of Seattle and the U.S. Department of Commerce. An east-west boundary line separates the city and federal properties. South of this boundary is Magnuson Park, designated with the ECA wildlife preservation zone. However north of this boundary, on the federal property, no ECA zones are indicated even though similar landscapes are present. How were these zones determined in the original legislation? How can a landowner petition for revision of a zone? Many areas of Magnuson Park could be classified as an urban brownfield. Large areas contain heavily compacted soils, a remnant of the concrete and asphalt aircraft runways which operated on the site for more than 30 years. More than 75 acres of the park (the entire park is almost 290 acres) is infested with one or more of five plant species, at concentrations ranging from 25 to 100 percent of the total vegetation coverage. These are indications of a regenerating habitat, not necessarily a "natural habitat" as indicated by SMC 25.09.020. A similar example of a brownfield included in a wildlife preservation ECA is found at Gas Works Park. Other examples of mis-mapping at Magnuson Park include a large wood pier built in the 1930's, which is mapped within a liquifaction-prone zone; and cut areas for on-site roads and buildings which are mapped within steep slope zones.
2. What has been your experience with the ECA regulations (e.g., participated in the permit process, observed problems, etc.)? How have you been personally affected by the ECA regulations?
3. How can we improve protection of critical area functions and values while allowing reasonable development opportunities?
4. How can incentives for property owners enhance protection of environmentally critical areas? What incentives should be available for ECA protection?

(Optional) If you have questions about the Environmentally Critical Areas Update Process, please include your contact information:

Name Kevin Bergsrud, Seattle Parks and Recreation, Sand Point Magnuson Park E-mail  
kevin.bergsrud@seattle.gov  
Address 6310 NE 74<sup>th</sup> Street, Suite 109E Phone 206-684-5831  
Zip 98115

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To return the form, attach the file to a new e-mail message addressed to [Miles.Mayhew@seattle.gov](mailto:Miles.Mayhew@seattle.gov)  
\*or\* print the form and FAX it (206) 233-7883, ATTN: Miles Mayhew.



pk



City of Seattle  
Department of  
Planning and Development  
Diane Sugimura, Director

*Attn: Miles Mayhew*

## Environmentally Critical Areas (ECA) Code and Policy Update Process

### WE WANT TO HEAR FROM YOU!

Click on the gray bars to respond.

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If so, was the workshop informative? ☒ Yes ☐ No

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1. What is currently working well with the ECA regulations? What is not working as well?

→ Well: gathering political will. Not well: respect for privacy and property rights.

2. What has been your experience with the ECA regulations (e.g., participated in the permit process, observed problems, etc.)? How have you been personally affected by the ECA regulations?

→ They are a bureaucratic maze. There is no measurement and perhaps no measurable results of the regulation. They support a coterie of very expensive consultants. The government is exempt from their regulations. The regulations are made for political results. For instance: 1. Salmon Bay Natural Area 2. The drainage plan for Bike trail on Seaview Ave 3. The expense and time for a neighbor to repair his house foundations in tidewater. 4. The Corps of Engineers replaced their guide wall with creosoted timber. 5. I have been unable to find any measured cost and benefit analysis of an ECA regulation

3. How can we improve protection of critical area functions and values while allowing reasonable development opportunities?

→ Measure the existing area and test the proposed methodology of an ECA on a scientific basis. Compare with an untreated area. Use a methodology like drug testing where you have a chance of sorting facts from hope. Temper special interest statements by rating the cost versus the benefit. It is easy to gather an enthusiastic campaign for a statement that has cost only to some other body. Knowledge consists of understanding the evidence that establishes the fact, not in the belief that it is a fact.

4. How can incentives for property owners enhance protection of environmentally critical areas? What incentives should be available for ECA protection?

→ Money is a universal incentive but real facts are also an incentive. The government must pay for roads, school sites, areas flooded by dams, and power line right of way. Why should they be able to take, by regulation, owners peaceful use of their land. Incentives: 1. If you are going to reduce or take the use of land then then pay money for it or 2. Allow a compensating increase in value. For instance if you take land area, allow more height. 3. Show me a measured improvement in the critical environment with the total cost of the improvement. 4. Demonstrate that there is movement to make "Amendment V No person shall.... be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." the first consideration in a design of an ECA. I appreciate the open communication that has been used to start this process. The meeting was skillfully executed and very civil. Thank you.

(Optional) If you have questions about the Environmentally Critical Areas Update Process, please include your contact information:

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City of Seattle  
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Diane Sugimura, Director

Environmentally Critical Areas (ECA) Code and Policy Update Process

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1. What is currently working well with the ECA regulations? What is not working as well?  
The dewatering of the peat bog in Greenwood is robbing the headwaters and summer source of water for Piper's Creek. Immense private property damage is occurring as well as ridiculous amounts of damage to the public infrastructure: streets, sidewalks, utilities, etc. The combined effect on the built and natural environment is gigantic. That we allow 24/7 dewatering after construction like is happening in Greenwood is a disgrace and totally neanderthal. We need to stop this. We need to put some forward thinking legislation into place right away. We need to stop checking no significant impact on the SEPA checklists when in fact the dewatering is detrimental to all. We need to make this an environmentally critical area on the map.
2. What has been your experience with the ECA regulations (e.g., participated in the permit process, observed problems, etc.)? How have you been personally affected by the ECA regulations?
3. How can we improve protection of critical area functions and values while allowing reasonable development opportunities?
4. How can incentives for property owners enhance protection of environmentally critical areas? What incentives should be available for ECA protection?

(Optional) If you have questions about the Environmentally Critical Areas Update Process, please include your contact information:

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Zip 98117

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\*or\* print the form and FAX it (206) 233-7883, ATTN: Miles Mayhew.

*Please return comments by Monday, February 2.*





City of Seattle  
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Environmentally Critical Areas (ECA) Code and Policy Update Process

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1. What is currently working well with the ECA regulations? What is not working as well?
2. What has been your experience with the ECA regulations (e.g., participated in the permit process, observed problems, etc.)? How have you been personally affected by the ECA regulations?
3. How can we improve protection of critical area functions and values while allowing reasonable development opportunities?  
A website that shows examples of critical areas where property owners have successfully built additions that were environmentally friendly would be helpful.
4. How can incentives for property owners enhance protection of environmentally critical areas? What incentives should be available for ECA protection?  
I am an active voter and a property owner next to Thornton creek who wishes to make improvements to our home that are environmentally sound for wildlife, plants and our family needs. I would love an office or local contact person to call about this. Incentives would be tax, and financial incentives or credits to help. Again, having examples of successful projects to look at would help. For example, this year we plan to renovate our home, but currently have no idea where to start or whom to talk with to find out about the ECA regulations (in plain language if the wording is technical).

(Optional) If you have questions about the Environmentally Critical Areas Update Process, please include your contact information:

Name May Leong E-mail [mleongde@hotmail.com](mailto:mleongde@hotmail.com)  
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\*or\* print the form and FAX it (206) 233-7883, ATTN: Miles Mayhew.

*Please return comments by Monday, February 2.*



## Environmentally Critical Areas Update Process

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*However, there were some geotech person monopolizing the "don't" workshop.*  
If you have additional comments about the four main questions, please let us know: *need more control, not time*

1. What is currently working well with the ECA regulations? What is not working as well?

*what is not working*

*is that the code was written in a very confusing way.*

*Try to make clear what are the <sup>ECA</sup> exemptions & procedures*

2. What has been your experience with the ECA regulations (e.g., participated in the permit process, observed problems, etc.)? How have you been personally affected by the ECA regulations?

*participated*

*in 2 permit review processes.*

3. How can we improve protection of critical area functions and values while allowing reasonable development opportunities?

*Goal such be to aim for a balance*

4. How can incentives for property owners enhance protection of environmentally critical areas? What incentives should be available for ECA protection?

*Don't know.*

*Good luck.*

Return this form or send e-mail to:

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Planning and Development  
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Seattle, WA 98104-5070

Fax (206) 233-7883  
E-mail [miles.mayhew@seattle.gov](mailto:miles.mayhew@seattle.gov)

If you have questions about the Environmentally Critical Areas Update Process, please include your name and contact information.





City of Seattle  
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Diane Sugimura, Director

Environmentally Critical Areas (ECA) Code and Policy Update Process

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1. What is currently working well with the ECA regulations? What is not working as well?
2. What has been your experience with the ECA regulations (e.g., participated in the permit process, observed problems, etc.)? How have you been personally affected by the ECA regulations?  
I handle environmental permitting for Seattle City Light projects. Some of our right-of-way crosses critical areas. We need agreements about what we can and can't do in the way of routine maintenance on our right-of-way that does not involve getting a permit every time we need to cut down a tree. The ordinance has language in multiple places that seems to apply but is contradictory and unclear.
3. How can we improve protection of critical area functions and values while allowing reasonable development opportunities?
4. How can incentives for property owners enhance protection of environmentally critical areas? What incentives should be available for ECA protection?

(Optional) If you have questions about the Environmentally Critical Areas Update Process, please include your contact information:

Name Beth Blattenberger E-mail [beth.blattenberger@seattle.gov](mailto:beth.blattenberger@seattle.gov)  
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Zip

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\*or\* print the form and FAX it (206) 233-7883, ATTN: Miles Mayhew.

*Please return comments by Monday, February 2.*





City of Seattle  
Department of  
Planning and Development  
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Environmentally Critical Areas (ECA) Code and Policy Update Process

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1. What is currently working well with the ECA regulations? What is not working as well?  
i don't know of anything working well within the ECA regulations, they are completely heavy handed in the demands and the actual goal of steep slope and safety, we are a city over 98% built up and we are taking extravagant measures for the few remaining sites- the reviews are picayune, burdensome and the ECA staff thinks it is cute to be over the top in it's demands. safety is a high priority for all of us- but their C.Y.A. indulgence has more to do with the recent lawsuits that actual in the field engineering- (Lakeview BVD and Brygger) The are NOT responsive in a timely manner, for a permit to take one or two years is absurd- i know of cases where it took 8 years!
2. What has been your experience with the ECA regulations (e.g., participated in the permit process, observed problems, etc.)? How have you been personally affected by the ECA regulations?  
When the roads were cut at near vertical cut and lasted w/o any protection from erosion and landslide and they want you to have a posted 35 ft setback from them when the road has lasted for 90 + years we are not using common sense- this happened to me!. sometimes going into the steep slope area can help stabilize but this is hard to prove to the staff!- so you can get exempted from the steep slope ordinance when the steep slope was caused by a road cut but they pretend to ignore the 90+ year history of how the cut behaves in the last 90 years of earthquakes, rainstorms and development
3. How can we improve protection of critical area functions and values while allowing reasonable development opportunities?  
i think the goal of the steep slope ordinance and other ECA rules have been put in place to deter development in the areas- since the supreme court has twice overruled the greenbelt ordinance( which is the father of the current ECA process)
4. How can incentives for property owners enhance protection of environmentally critical areas? What incentives should be available for ECA protection?  
we need to develop these areas to avoid more freeways and sprawl! keep people in SEattle and save the cascade foothills and farmlands along I-5- which will allow us to afford to use mass transit- we are basically an island and have a few treasures- Seward park, the arboretum, greenlake, magnuson park, discovery park but it is not realistic to think that every difficult lot left in the city should be left for the neighbors to throw their compost and garbage in! which will increase if we pass the recycle ordinance to a greater degree!!

(Optional) If you have questions about the Environmentally Critical Areas Update Process, please include your contact information:

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Miles

City of Seattle  
Department of  
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Diane Sugimura, Director

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JAN 28 2004

Dept. of Design  
Construction & Land Use

Environmentally Critical Areas (ECA) Code and Policy Update Process

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The highest priority is protecting streams and wetlands. "Reasonable development opportunities" will continue infinitely into the human future. It is by no means certain that streams and wetlands will. These critical habitat areas must be saved NOW if they are to be an issue in the future.
4. How can incentives for property owners enhance protection of environmentally critical areas? What incentives should be available for ECA protection?

(Optional) If you have questions about the Environmentally Critical Areas Update Process, please include your contact information:

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Address 6041 Palatine Ave. N. Phone 206 527 2792  
Zip 98103

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*Please return comments by Monday, February 2.*



**Miles Mayhew - Critical Areas Comments**

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**From:** "Bob Vreeland" <bobvreeland@earthlink.net>  
**To:** <miles.mayhew@seattle.gov>  
**Date:** 2/2/2004 3:51 PM  
**Subject:** Critical Areas Comments

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My main comment is don't weaken the Seattle Critical Areas ordinance.

The wetland and urban stream protection could be strengthened in ways that would be more specific about what wetlands and streams need protection to meet state and federal laws such as the Endangered Species Act.

The section on daylighting buried streams is presently very weak and thus has not been applied on private property as of yet, to my knowledge. This has lead to much confusion, litigation, and delay in development and critical area protection. The daylighting issue needs more specifics to give everyone an understanding of the purpose and appropriate and reasonable locations of daylighting creeks in Seattle. Initiative 80 made an attempt to provide a more clear understanding of when daylighting of a creek would be appropriate and reasonable. The language in Initiative 80 could be used as a guide for providing more specificity to the definition, locations, appropriateness and advantages of urban creek daylighting. Possibly a study will need to be conducted, using the maps SPU created of Seattle urban creeks that have been buried over the years, to determine the most appropriate and beneficial locations for daylighting creeks to comply with state and federal environmental laws.

Bob Vreeland  
[bobvreeland@earthlink.net](mailto:bobvreeland@earthlink.net)

**Miles Mayhew - Environmental Critical Areas Review**

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**From:** "alexandra pye" <alexandrapye@hotmail.com>  
**To:** <miles.mayhew@seattle.gov>  
**Date:** 1/21/2004 11:15 AM  
**Subject:** Environmental Critical Areas Review

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Dear Miles:

From my experience with a Citizen's Committee working to preserve as much as possible of Westcrest Park and also in Alki to do likewise on the Open Space acquired from from the 1989 Open Space Bond issue, some of us are concerned about conflict of interests of the City when two departments want to do something in City Public Space in Critical En. Areas.

It was our experience that the Lead City Dept. and DCLU ( at that time) found it difficult to be as objective with their colleagues in looking at the Threshold for determining whether an EIS might be required. We believed that the City should apply the same environmental standards to public lands in Environmental critical areas as it applies to private lands in ECA. In both cases, there was a declaration of non-significance, and consequently more public space threatened to be lost.

We are not suggesting that there should be an EIS, (expensive and time consuming), but a mediation conference with some community members invited.

Reference: See LWVS REPORT Keeping the Green In Seattle --2000.  
Alix Pye

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## Miles Mayhew - ECA Update Process

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**From:** "Tony Fragada" <tfragada@yahoo.com>  
**To:** <Miles.Mayhew@Seattle.gov>  
**Date:** 1/29/2004 5:18 AM  
**Subject:** ECA Update Process

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Miles,

A few items of concern:

Develop history of past experiences and begin to determine measures of success / failures. Example: Alki Landslide Project displaced wildlife habitat for a number of species. Record recovery process.

Review effect of surrounding development in existing riparian and drainage areas - Example: undefined drainage plan surrounding Schmitz Creek Park boundaries are destabilizing vegetation and forest canopy. Consideration should be given to slope and value of local ecosystem.

ECA Identification - begin to develop educational signage for the public and notification process to existing ownership surrounding ECA areas. Develop guidelines of current responsibility and resources for City approved BAS practices. Publish local successful buffer restoration efforts describing critical physical characterization, "fit" within known ecosystem and effectiveness of indigenous plantings. Locally publish violation fines.

Work with SPU's comprehensive plan to begin to separate ECA water drainage from CSO's. For areas close to natural water bodies, this would not only relieve the burden on existing CSO's but also provide less costly ways of guaranteeing the purity of recharging sources. Example 1: Recent Alki Landslide Project overwhelmed existing drainage systems causing costly repairs. Bringing outflows directly to Elliot Bay would have benefited the recharge of local nearshore habitat (note: preexisting outflows previously visited by otters are now dry). Example 2: Duwamish Greenbelt (especially near Fairmount Ravine), Schmitz Creek and Mee Kwa Mooks Parks have drainage sources that can enhance nearshore habitat.

Work with SPU's comprehensive plan to determine areas of commonality. Public comment process can skew prioritization process simply by responding to the latest collective disaster. Understanding if water or environmental quality are better measures of long term success.

Thank you for conducting a well focused meeting last Wednesday.

Tony Fragada, 1625 Harbor Ave. SW, 98126, wk: 685-4030, hm: 935-7727

**From:** FRANK BACKUS <frankbackus@comcast.net>  
**To:** <miles.mayhew@seattle.gov>  
**Date:** 2/6/04 11:33AM  
**Subject:** ECA UPDATE FEEDBACK

I was not able to be at the January workshop, but did see a paper copy of the slides and some other handouts. Here is my reply to your blue sheet ("We Want to Hear From You"):

1. Well: Public is slowly becoming aware of ECA issues.  
Not so well: Policing/monitoring of people who flaunt regulations and do things that have been specifically proscribed.
2. Some people have been helpful at DCLU in finding old easements, etc.  
Tree cutting in ECA was slowed, but was made possible within a reasonable time.
3. Educate community. Hold developers responsible for keeping their end of deals.
4. Dollar grants to work to improve conditions along privately owned property on streams/creeks. Need education so people would know of them.

Frank I. Backus, MD  
12737 20th Avenue NE

**CC:** FRANK BACKUS <frankbackus@comcast.net>



## Miles Mayhew - ECA Workshop: Follow-up

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**From:** "Kirk Prindle" <PrindleK@edaw.com>  
**To:** <miles.mayhew@seattle.gov>  
**Date:** 1/22/2004 9:50 AM  
**Subject:** ECA Workshop: Follow-up

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Miles:

I'd like to thank you for the workshop last night. From experience, I know it can be very challenging to keep a disparate public group focused on a specific task and you did a great job.

I am a biologist specializing in wetland delineation and ecology with over 12 years of experience specifically consulting on ECA compliance, delineation and review for various WA jurisdictions. I would very much like to be involved in and/or informed on Seattle's ECA update process, so please include me on any communication lists in this regard that may exist.

As mentioned to you last night, I have some very specific comments about effective changes/clarifications needed in Seattle's ECA code. However, I would first like to offer kudos to both Rob Knable and Maggie Glowacki who have always done a fabulous job in DCLU ECA consultation on biological issues - especially given limited staff. Regardless of the fairly extreme views often expressed at the public meeting last night, I have found that Rob and Maggie always offer very practical, reasonable and biologically sound solutions to development issues pertaining to Seattle ECA protection.

Specific issues that have arisen during ECA consultation that should be addressed in the code update:

- Biologist Qualification. As mentioned, I often have to rely on a landscape architect's stamp to certify biological documentation pertaining to Seattle ECA (e.g., ECA reconnaissance studies, delineation, native vegetation restoration plans, native vegetation planting plans, etc.). Typically, those stamping such documents have little or no experience with ECA issues. Seattle code updates should include a statement qualifying experienced biologists (by academic degree, years of experience etc.) to complete pertinent documentation for DPD.

- Stream Delineation. Although most jurisdictions clearly identify parameters specifically delineating wetlands, few (if any) provide suitable delineation parameters for streams (riparian corridors). Maggie did a great job clarifying this issue as it pertained to small, ephemeral drainage channels that had developed after a winter precipitation event on the potential COS fire and police training facility site on the southern city border. However, if there were clear rules for defining streams (riparian corridors) - perhaps specifying how long a channel must exist (no matter the size) to be deemed a jurisdictional stream -- project biologists could limit necessary consulting with DPD.

- COS Wetland Rating. Maggie had mentioned the city was considering adopting a more conventional wetland rating system (e.g., Class 1-4). This may be helpful. At the very least, parameters defining a wetland of exceptional value should be reviewed and defined.

Thanks for the consideration. Please let me know how these issues will be addressed in the update process. Although I am suggesting further specific delineating parameters for ECA, I actually prefer to allow DPD biologists broader discretion in code interpretation and development of innovative solutions to ECA/development conflicts as they have done in

the past. However, allowing for broad interpretation risks sacrificing consistency with changes in city staff.

Thanks again. I look forward to further updates on the process.

Kirk Prindle  
Biologist/Wetland Specialist

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Dear Mr. Mayhew: Thank you, ever so much, for your announcement of the code and policy update workshop. Unfortunately, I may find myself working quite late on that particular Wednesday, so I hoped to share with you several areas where I think the code and the policy are in need of revision. My suggestions stem from my opposition to an expansion planned by a school that is contingent to my property. I should add that well-over 200 of my neighbors have signed a petition opposing the current construction agenda proposed by the Seattle Country Day School (hereafter referred to as Seattle Country Day, Inc. or SCDI). The neighborhood in question is the Mayfair addition of Queen Anne Hill facing Fremont. An environmentally sound city requires that the integrity of such single-family neighborhoods as ours remain intact. However, unless the code and permit application procedures are revised and updated, neighborhood such as ours will disappear. The code, city policies, and permit procedures need to be revised to enable the DPD to more carefully assess the environment and ecological impacts of new construction. May I suggest the following:

1. An "Intent to File" notice must proceed any application by six months. The amount of time allotted a community to respond is insufficient and actually discourages community participation. As the Chairman of the Mayfair Neighbors Assn., let me assure you that it takes a great deal of time to organize community response. The applicant in this case had many months before and in secrecy to the neighborhood before the application was made to hire its transportation consultants (Heffron), its permit consultants (Seneca), its architects (Carlson) and a host of other consultants and engineers to effect SCDI's objectives all in very quick time. Time is important. The current code and application procedures do not permit sufficient and fair review of the applicant's plans.
2. The six month notice must give "full disclosure" of construction intent to both the DPD and the community. Intentional withholding of any information for reason of community reaction should be viewed as undermining the process and goals of the process. Once discovered such a withholding should be regarded as a factor against permit approval. In our experience SCDI actually lied to the community telling them at a community meeting that SCDI had no immediate plans for expansion and that such plans if forthcoming would be so in two or three years. That same lie was uttered to the Queen Anne News in March. In August SCDI applied for its permit. What does this do to the integrity of the process or of the DPD if such false statements can be made with impunity?
3. Any unmet past permit conditions and past breeches of regulation for permits granted must be satisfied before the permit process can proceed. The action of an application to build and occupy while totally ignoring permit conditions denigrates the law, the permit-issuing agency, and the process? An applicant found in violation of a condition or regulation to application should have to comply with the law. SCDI gave its word to the DPD (nee DCLU) on several occasions than simply ignored the conditions and regulations it agreed to fulfil prior to occupancy. Understandably the conditions and regulations required for a permit are meant to mitigate environment and ecological impacts. How can we preserve critical areas when conditions are routinely ignored by institutions that are viewed rightly or wrongly as being given preferential consideration?
4. Where opposition to a proposed application is organized and the collective expression of a neighborhood, no private pre-application meetings may be held without the presence of neighborhood representation. Ex Parte meetings are simply unfair and discourage neighborhood civic involvement.
5. The applicant must give evidence of financial resources to complete a project. No project may depend upon fund raising subsequent to the issuance of a permit. Cost estimates for a project must be determined by neutral parties. An institution or individual without sufficient resources to complete a project in the time allotted subjects the critical area to the chance that a project may not be completed or prolonged construction activity which interferes with the on-going life of the area or neighborhood.
6. No single MUP may be given for multiple phased construction. Each phase must be evaluated for impact prior to the beginning the construction of the next phase. SCDI is asking for one MUP that will encompass two phases of construction that may last as long as ten years. Quiet, single-family neighborhoods like that of Mayfair will be expected to endure ten summers of construction which will not only disrupt the life of the community but destroy any outdoor neighborhood activity for ten summers. The whole matrix of community life will be destroyed.
7. The applicant may not hire consultants already employed to serve on an EIS team of the proposed application.

While this is permitted today, it is certainly not objective and gives every indication of unfairness and bias. In our present situation SCDI desires to use an employee who admitted that the proposed plan so objected to by the community was her idea. She has throughout the process clearly demonstrated her bias towards SCDI. 8. No part of the project may be advanced by any city agency prior to the application approval. 9. The application must be weighed against both the code and the needs and unique characteristics of the neighborhood or critical area. 10. The burden of proof in administrative law rests with the applicant. It is the applicant who must satisfy the burden of proof and not the neighborhood. Regards, Elliott R. Ohannes, Chair Mayfair Neighbors Assn. 2627 Nob Hill Ave. N. Seattle, WA 98109





FAUNTLEROY  
WATERSHED  
COUNCIL

January 21, 2004

TO: Miles Mayhew, Seattle Department of Planning and Development

FM: Tom Linde, Phil Sweetland, and Judy Pickens, Fauntleroy Watershed Council

RE: ECA Input

**What is currently working well with the ECA regulations? What is not working as well?**

See response to next question.

**What has been your experience with the ECA regulations? How have you been personally affected by the ECA regulations?**

As a watershed council, we have been involved in recent years in several respects:

- The residential property that includes the mouth of Fauntleroy Creek went on the market. With no provision for **ECA disclosure in the real estate listing**, we had to provide information to the seller listing agent, and new owner in an effort to make sure that no party could claim ignorance about buffer and other considerations.
- We were called by concerned neighbors into a clear-cutting episode on a steep slope adjacent to Fauntleroy Park, where homeowners were apparently **unaware of ECA limitations**. As a consequence, we are giving higher priority to working with the city to communicate critical-area/habitat implications of living adjacent to park and creek habitat.
- We have put considerable effort into trying to protect **nearshore habitat** - a critical component of our anadromous creek system. For example, we initiated an ongoing survey to quantify pet waste as a source of fecal coliform in Fauntleroy Cove. The ECA restrictions in place haven't been enough to stem the load of bacteria and nutrients making their way to the cove from the urban watershed.
- As we gain direct experience with the complexity of salmon habitat, we are increasingly aware of the effects of urban chemicals and the **inadequacy of creek buffer requirements**. Limiting development within 50 feet of the corridor may reduce erosion and permeable surface in the immediate vicinity of the creek but it does nothing to restrict the use of chemical fertilizers, pesticides, and herbicides. Our experience also prompts us to question whether 50 feet is adequate in terms of groundwater recharge.

**How can we improve protection of critical area functions and values while allowing reasonable development opportunities?**

- **Flag ECA implications in single-family real estate listings.** Expecting an outside party (such as a neighborhood group) to take the lead is unrealistic and inadequate.
- **Don't grant waivers to new owners;** they should decide to buy knowing the ECA requirements and agree to abide by them, even if the prior owner did not.
- **Create a "chemical-free zone"** (artificial fertilizers, pesticides, and herbicides) in the groundwater-recharge area of creeks. (Hydrologists will need to define an effective width to apply citywide.)
- Factor in restrictions that will help **protect nearshore habitat.**
- Invest in **outreach to homeowners** in protected areas so that they know habitat, stewardship, and resale implications.

**How can incentives for property owners enhance protection of environmentally critical areas? What incentives should be available for ECA protection?**

- **Knowledge** – knowing what protections apply to a property and why.
- **Reinforcement** – hearing the stewardship message time and again.
- **Recognition** – something that the community and/or city does to give a pat on the back to homeowners (especially).

Beyond these "soft" incentives, we would support the biggest hammer the city can legally use!





1617 Boylston Ave, Suite 201  
Seattle, Washington 98122

January 21, 2004

Diane Sugimura, Director  
Seattle Department of Planning and Development  
700 Fifth Avenue, Suite 2000  
Seattle, WA 98104-5070

**RE: Environmentally Critical Areas Update Recommendations**

Dear Ms. Sugimura and DPD Staff,

Livable Communities Coalition is a broad-based coalition of neighborhood, affordable housing, transportation, land-use, and environmental advocates in the King County region. We advocate for and promote healthy, equitable, and sustainable communities, believing in protection of and access to clean water and air, open space, forests, farmlands and wildlife habitat.

Chapter 25.09, Regulations for Environmentally Critical Areas, is an essential tool in protecting and maintaining livable communities and supports the Mayor's priority of building healthy and environmentally sustainable communities; this update gives us the opportunity to make necessary improvements. With these goals in mind, we offer the following recommendations:

**1. STRENGTHEN WETLAND PROTECTION**

- *Wetlands smaller than 100 ft<sup>2</sup> need protection.* The exemption of wetlands smaller than 100 ft<sup>2</sup> (SMC 25.09.160(A)) should be eliminated, since such small

Livable Communities Coalition Recommendations  
Seattle Environmentally Critical Areas Update  
January 21, 2004 workshop  
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and, in many cases, isolated wetlands provide important functions. Filling these wetlands without proper mitigation will clearly result in a net loss of functions and values and is, therefore, contrary to case law<sup>1,2</sup> and to the Growth Management Act (GMA)<sup>3</sup>.

- *Fifty foot wetland buffers are inadequate to protect wetland functions and values.* SMC 25.09.160(B)'s 50 foot buffers should be increased to adequate distances given in the scientific literature. As required by Washington State, "Best Available Science" (BAS) must be incorporated into the update of all Critical Areas Ordinances. The Washington State Office of Community Development (OCD) has compiled an impressive (but not comprehensive) list of BAS citations<sup>4</sup>. We also suggest that criteria from State of Washington Department of Community Trade and Economic Development's (CTED's) *Example Code Provisions for Designating and Protecting Critical Areas*<sup>5</sup> be adopted.
- *Impacts to wetlands are certain with current code criteria.* SMC 25.09.160(A) does not adequately address protection for Seattle's wetlands, particularly riparian and tidal wetlands. Also, mitigation should follow CTED's *Example Code Provisions* prioritized hierarchy of:
  - i. Avoiding the impact altogether by not taking a certain action or parts of an action.
  - ii. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
  - iii. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
  - iv. Reducing or eliminating the impact over time by preservation and maintenance operations.
  - v. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.<sup>6</sup>

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<sup>1</sup> Pilchuck Audubon Soc'y v. Snohomish Cty [Pilchuck II], CPSGMHB Case No. 95-3-0047c, Final Decision and Order P. \*21, 1995 WL 903206, \*21 (December 6, 1995).

<sup>2</sup> Tribes v. Snohomish County [Tulalip], CPSGMHB Case No. 96-3-0029, FDO, January 8, 1997, 13.

<sup>3</sup> RCW 36.70A

<sup>4</sup> Washington State Office of Community Development. March 2002. Citations of Recommended Sources of Best Available Science For Designating and Protecting Critical Areas  
[http://www.cted.wa.gov/uploads/BAS\\_Citations\\_Final.pdf](http://www.cted.wa.gov/uploads/BAS_Citations_Final.pdf)

<sup>5</sup> State of Washington Department of Community Trade and Economic Development. *Example Code Provisions for Designating and Protecting Critical Areas*.  
[http://www.cted.wa.gov/uploads/Appendix\\_A.pdf](http://www.cted.wa.gov/uploads/Appendix_A.pdf).

<sup>6</sup> Ibid.



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Seattle Environmentally Critical Areas Update  
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- *Wetland mitigation ratios are far too low.* SMC 25.09.160(A) requires a 2:1 wetland mitigation ratio, yet such a ratio will not replace functions and values of impacted wetlands since the majority of mitigation projects usually fail. This will result in a net loss of wetland functions and values. The *Example Code Provisions* suggest a ratio of up to 6:1<sup>7</sup>.

## 2. STRENGTHEN RIPARIAN AREA PROTECTION

- *Class A and B riparian corridor buffers are far too narrow to protect the functions and values of riparian areas.* SMC 25.09.140 requires buffers of 50 and 25 feet, respectively; Class A buffers are inadequate to protect salmon habitat and other wildlife functions, while Class B buffers provide few, if any, riparian habitat functions.
- *Provisions and incentives for stronger buffers are necessary for redevelopment.* We encourage such provisions and refer the City to the *Example Code Provisions*<sup>8</sup> for ideas.

## 3. CLARIFY LANGUAGE OF FISH AND WILDLIFE HABITAT CONSERVATION AREAS

*Fish and Wildlife Habitat Conservation Area language is unclear and needs greater detail.* While designated Fish and Wildlife Conservation Area habitats definitions are comprehensive (SMC 25.09.020) and we strongly support their inclusion and protection, such protection is unclear. Clarification and drafting of specific language is necessary to ensure protection of fish and wildlife habitat functions and values. Again, we suggest *Example Code Provisions*<sup>9</sup>.

## 4. ALLOW DENSITY CALCULATIONS TO INCLUDE ECAS

*Density calculations should include ECAs.* In order to fairly balance property owner concerns about environmentally critical area buffers—and to provide more appropriate residential densities—we suggest that SMC 25.09.240(D) be amended to allow ECAs to be included in residential density calculations. Although SMC 25.09.260 allows for recovery of residential density by way of a conditional use permit process, this added tool is preferred.

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<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

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**5. RETAIN ELEMENTS OF THE CURRENT CODE THAT OFFER STRONG PROTECTION**

We support the enforcement provisions included in SMC 25.09.400 (Violations and penalties), connecting language to SEPA (SMC 25.09.360), and particular concerns with the dangers of developing in landslide-prone areas (SMC 25.09.345). These and other solid efforts demonstrate Seattle's commitment to protection of environmentally critical areas; we hope you use this opportunity to strengthen such protections and set a superior example for other municipalities in the region.

We thank you for the opportunity to submit our comments. Feel free to contact us with any questions.

Sincerely,



John Mauro  
Director



Environmentally Critical Areas (ECA) Code and Policy Update Process

**WE WANT TO HEAR FROM YOU!**

*Click on the gray bars to respond.*

Did you attend the January 21 Code and Policy Update Workshop? ☐ Yes ☐ No

If so, was the workshop informative? ☐ Yes ☐ No

Did you feel that your concerns were heard and/or recorded? ☐ Yes ☐ No

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1. What is currently working well with the ECA regulations? What is not working as well?

What is working well?

a. There is a process in place to ID environmentally critical area and try to protect them.

What is not working well? The process does not go far enough:

a. The Critical Urban Wildlife Habitat (Fish and Wildlife Conservation Areas) category. It is important that we recognize and manage habitat that serves urban wildlife for breeding, foraging and dispersal. Examples are greenspaces such as Kiwanis Wildlife Corridor and the Southwest Queen Anne Greenbelt, parks that include natural areas such as Seward and Discovery, undeveloped street ends and right-of-ways, wetlands, urban creeks -- especially those which empty into Puget Sound and which can furnish vital low-salinity waters at their mouths for migrating smolt salmon, and un-armored shoreline habitat such as that recently acquired by Groundswell Northwest. These habitat areas are being lost at breakneck speed as development of public lands continues. Adopt a "no net loss" of un-armored shoreline for Seattle's marine and fresh-water coasts. The Critical Areas Ordinance should include regulations which require expert review of native public lands which would be converted for purposes such as building construction or conversion to athletic fields.

b. Add a category for Native Landscape, existing or with restoration in process. These areas need to be protected and enhanced to keep them intact as a memory of our "roots" for future generations and to encourage removal of invasives there. Native Landscapes also serve important purposes in the City by retaining and re-charging groundwater, reducing heat, holding steep slopes, slowing rainfall to prevent fast runoff, etc. Arthur Lee Jacobson's book, "Wild Plants of Seattle," presents a list of 21 habitat types, some greatly modified by humans, others largely undisturbed, which occur in Seattle, with a list of commonly occurring plants for each. The Seattle Urban Nature Project has mapped a large number of these habitats already. Seattle also has areas in which rare plants grow and others where recently extirpated plants grew, areas that deserve special protection. The Department of Natural Resources "Natural Heritage Program" lists rare plants in various categories, and it can provide location information. The Washington Native Plant Society and the UW Center for Urban Horticulture's Rare Care program could assist in locating these plants and identifying them.

c. Develop a process for recognition and protection of Species of Local Importance (we know that this is under active consideration). The process should provide a framework for recognition and appropriate protection of species, such as salmonids breeding in tributaries of Lake Washington and Puget Sound, and the Great Blue Heron -- Seattle's official City Bird, as well as other species at risk. Such recognition should include specific regulations and guidelines for their protection incorporating protection of essential feeding, breeding and migratory habitats, using best available science. The Great Blue Herons living in Puget Sound and the Georgia Straits are non-migratory, and they require good foraging habitat such as shallow water eelgrass beds, year-round. Salmonids require appropriate protection and habitat while migrating up or down stream.

d. Provide a special way to cooperate with the Washington Department of Fish and Wildlife's Backyard Wildlife Habitat program for private property-owners such as is being utilized in Tukwila. This would encourage the use of native plant restorations in people's yards. Properties adjacent to urban creeks,

greenspaces and parks should receive special emphasis under this program, as they can serve as corridors for wildlife.

e. Provide the opportunity for broader protection than merely an arbitrary number of feet from wetlands, or riparian areas for example. Each time an arbitrary protection limit is stated, the regulation should also state "or be established in an appeal to an Environmental Critical Area Board." DPD should have not only a Design Review Board but also an Environmental Critical Area Board, both composed of trained experts in their field, working as volunteers. In situations where the Design Review Board and the Environmental Critical Area Board cannot resolve differences, a decision should be made by the Director of DPD.

f. Exceptions to CAO's are allowed much too frequently, according to speakers at the scoping session in January. Perhaps the discretion of managers to set the regulations aside should be narrowed greatly.

g. Public developers must follow the same environmental safeguards as private developers. Provision should be made for meaningful neighborhood input to decisions involving development of greenspaces and other un-altered public lands.

H. Revise the regulatory and enforcement response to violations, making it more expensive to violate than to make money by ignoring regulations or hiding infractions. Taking money in fines could pay for the incentives mentioned below.

1. What has been your experience with the ECA regulations (e.g., participated in the permit process, observed problems, etc.)? How have you been personally affected by the ECA regulations?  
Experience with ECA regulations?

a. There is no counterpart for the Design Review Board to consider the environmental values of Environmental Critical Areas.

b. Single family residential development and other low-density developments apparently are not protected under Seattle's ECA regulations. No SEPA review is required. All developments that require cutting trees and digging in the soil should require a SEPA review.

c. Seattle's interpretation of its ECA regulations are inconsistent. Around Kiwanis Ravine various neighbors and developers have been given different rules regarding the colony of Great Blue Herons living there.

d. Kiwanis Ravine lost a beautiful 85-year old Western Red Cedar growing 6 feet from the lip of the ravine because the tree grew in a public alley and the developer needed to go through that deadend alley for access to his property. Had the tree been planted there (and not grown naturally), we understand the City could have protected it. All trees growing on public property deserve protection. Seattle's Exceptional Tree ordinance saves only outstanding trees -- not our urban forest, also worth retaining.

e. A developer near Kiwanis Ravine wanted to build a 4-story building on deep fill, immediately adjacent to a public alley also on deep fill overlooking the ravine -- an alley containing a public sewer line. The Design Review Board did not object to the developer building his foundation immediately adjacent to the alley or require the developer to have a buffer to protect the loose soil and sewer there. However, now the developer has the property up for sale, and we have heard an important reason is that he feels he cannot dig right next to the alley without it collapsing. Fill should require different rules than soil in its natural formation.

f. Many neighbors of Kiwanis Ravine have said that zoning in that area and others of the City should be reexamined and re-delineated, as zoning categories were developed some years back when environmental concerns were not as well known.

How have we personally been affected by ECA regulations?

a. As leaders within our groups.

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DPD - ECA Public Comments, Jan. 2004

1. How can we improve protection of critical area functions and values while allowing reasonable development opportunities?  
The Growth Management Act encourages increased density within Seattle. That increased density should not be at the expense of Seattle's natural and environmentally critical areas. Today, these areas are in short supply! It is even more important to develop new ECA regs. that protect these areas of our city so that development does not disturb our streams and steep slopes. Protections of Environmental Critical Areas should swing development to buildable areas which won't compromise the City's wildlife habitats, wetlands and creeks, steep slopes, shorelines, etc.
2. How can incentives for property owners enhance protection of environmentally critical areas? What incentives should be available for ECA protection?  
Incentives:

a. Private property rights shouldn't mean that a person can build to the full extent of his property's zoning -- if a person can afford it and if engineering can be developed to do it. There are economic AND environmental values in a property. The City needs an expanded system of Conservation Easements that provide more financial incentive than at present. In the case of that developer of the 4-story building on fill mentioned above, he could have been encouraged to dedicate the back of his property to a conservation easement.

b. Another type of incentive could be explored to pay private property holders to delay certain activities on their property if they are within the critical noise zones of Species of Local Importance. This would ensure that noise will not disturb these species during their critical nesting times -- and that some minimum remuneration would pay back the affected landowners for their inconvenience if having to schedule work some other time of the year. This should include using a chain-saw, etc. -- as well as making a change in a dwelling that requires a permit.

c. Make mitigations binding and all environmental requirements on a property be attached to deeds (not just permits). Consider grades of mitigation which would be commensurate with the value of the resource being lost.

(Optional) If you have questions about the Environmentally Critical Areas Update Process, please include your contact information:

Name

Donna Kostka, Co-Leader, Heron Habitat Helpers    E-mail [donna-floyd@prodigy.net](mailto:donna-floyd@prodigy.net)  
Address 2420 30<sup>th</sup> Ave. W.    Phone (206) 283-7805  
Zip 98199

prepared jointly with

Mike Marsh, Restoration Co-coordinator    E-mail: [swamp@blarg.net](mailto:swamp@blarg.net).  
Address: 3434 14<sup>th</sup> Ave. W., Seattle, 98119    Phone 206-281-8976

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NOTE THAT THESE COMMENTS REPRESENT THE OPINIONS OF LEADERS OF TWO ORGANIZATIONS, BUT THEY WERE WRITTEN WITHOUT OPPORTUNITY OF A VOTE. WE INVITE ANYONE ELSE IN OUR ORGANIZATION TO ALSO SEND IN COMMENTS, ESPECIALLY IF THEY DO NOT CONCUR.

*Please save an electronic copy of your completed form.*

To return the form, attach the file to a new e-mail message addressed to [Miles.Mayhew@seattle.gov](mailto:Miles.Mayhew@seattle.gov)  
\*or\* print the form and FAX it (206) 233-7883, ATTN: Miles Mayhew.

*Please return comments by Monday, February 2.*



City of Seattle  
Department of  
Planning and Development  
Diane Sugimura, Director

Environmentally Critical Areas (ECA) Code and Policy Update Process

**WE WANT TO HEAR FROM YOU!**

*Click on the gray bars to respond.*

Did you attend the January 21 Code and Policy Update Workshop? ☒ Yes ☐ No

If so, was the workshop informative? ☒ Yes ☐ No

Did you feel that your concerns were heard and/or recorded? ☒ Yes ☐ No

1. What is currently working well with the ECA regulations? What is not working as well?

OK: DCLU/DPD sponsored education programs, such as the slide hazard workshops, answer people's questions in helpful and knowledgeable ways.

NOT OK: Interdepartmental Relations (DPD administering permits needed by SPU/PRD)—a serious problem. DPD is faced with regulating another department—actually the lower echelons of the other department that are not properly managed. That lower staff does not understand the regulations, and actually, there is a feeling in the other department that they do not have to follow the rules.

NOT OK: Blatant violations of the Public Disclosure Act by low to mid SPU staff.

NOT OK: Lack of application of Best Available Science. Low SPU staff has a "choice" of whether to consult the real scientist on staff—but rather acts from their own limited knowledge. The ECA must be based on scientific fact.

2. What has been your experience with the ECA regulations (e.g., participated in the permit process, observed problems, etc.)? How have you been personally affected by the ECA regulations?

a. We filed an appeal to a SEPA DNS, part of which was based on intended violations of the ECA regulations by SPU and Parks. The SPU project manager testified under oath that she did not understand SEPA. Regarding the ECA regulations, her testimony indicated a belief that once granted an exemption they could do what they wanted.

b. Prior to our appeal, we faced a series of blatant violations of the Public Disclosure by both SPU low staff and some supervision as obstacles to our appeal. Such meddling cannot be tolerated.

c. There are ambiguities in the ECA regulations that allow others to make up their own interpretation. Of course, ambiguities require interpretation, which in itself may not be consistent.

d. The product of this program will be an amended code. Specifics for such amendments cannot be addressed very well in this questionnaire format. More detailed suggestions will follow under separate cover.

3. How can we improve protection of critical area functions and values while allowing reasonable development opportunities?

PROBLEM 1: The ECA treats private development differently than City agency projects—this is unequal treatment which has its own legal implications. The remedy is to amend the Code to eliminate the offending provisions. Above all, the City should operate under a higher standard rather than a privileged standard.

PROBLEM 2: Resource versus Hazard. The ECA addresses sensitive areas that are resources that are in need of protection and preservation. The ECA also addresses critical areas that pose hazards where assuring safety is



paramount. The existing ECA does not make that distinction—but rather appears to be written with a mind-set of "preserving" the hazard to the point of not considering other valid approaches to assuring safety.

PROBLEM 3: The ESA 4d Rule is not understood and not adequately implemented in Seattle creeks. Also, there is a disconnect between one branch of the City removing fish passage barriers and programming to remove barriers (a significant financial commitment) and another branch by not even considering the implications of those barrier removals in terms of fish.

Similar to my response to Question 2, I will follow with more detail, including code language to address all three Problem areas.

4. How can incentives for property owners enhance protection of environmentally critical areas? What incentives should be available for ECA protection?

There are a myriad of pressures in the City in its attempts to comply with the GMA—especially housing/development goals. Those owning sensitive lands (both resource and hazards) are caught between the pressures to develop and, in our case, not wanting to develop. Non-development ought to be a valid goal without threat of interference by PRD under the guise of "preservation".

One approach to "non-development" in ECA areas could be to allow the sale of "development rights" whereby the density sold could be added where all of the infrastructure exists. A possible new variation could be some form of land banking to allow for future sale of development rights. These methods require legislative action by the City Council, but are directly related to the ECA.

More on this will follow under separate cover.

(Optional) If you have questions about the Environmentally Critical Areas Update Process, please include your contact information:

Name Irv Berteig                      E-mail [irv@berteig.net](mailto:irv@berteig.net)  
Address 9025 42<sup>nd</sup> Ave NE   Phone 206.525.0123  
Zip 98115-3809

***Please save an electronic copy of your completed form.***

To return the form, attach the file to a new e-mail message addressed to [Miles.Mayhew@seattle.gov](mailto:Miles.Mayhew@seattle.gov)  
\*or\* print the form and FAX it (206) 233-7883, ATTN: Miles Mayhew.

*Please return comments by Monday, February 2.*

19K

**WE WANT TO HEAR FROM YOU!**

Was the January 21 Code and Policy Update Workshop informative? ☐ Yes ☐ No

Did you feel that your concerns were heard and/or recorded? ☐ Yes ☐ No

If you have additional comments about the four main questions, please let us know:

1. What is currently working well with the ECA regulations? What is not working as well?

① Very high transaction costs for small property owners - 12-13+ years experience - why the need for individual study?

2. What has been your experience with the ECA regulations (e.g., participated in the permit process, observed problems, etc.)? How have you been personally affected by the ECA regulations?

Lots 13 years +

② Expectation that critical area ordinance on random, small, individual parcels will equal or result in preservation or

3. How can we improve protection of critical area functions and values while allowing reasonable development opportunities?

reservation is an inequitable burden

③ Couple drainage plan improvements to key resource protection needs

4. How can incentives for property owners enhance protection of environmentally critical areas? What incentives should be available for ECA protection?

④ In ordinance redraft, DO separate resource protection from hazards (property / safety protection - have different needs + approaches)

⑤ Allow fish + wild life mitigation to be constructed

Return this form or send e-mail to:

Miles Mayhew  
Seattle Department of  
Planning and Development  
700 5<sup>th</sup> Avenue, Suite 2000  
Seattle, WA 98104-5070

Fax (206) 233-7883 if consistent  
E-mail [miles.mayhew@seattle.gov](mailto:miles.mayhew@seattle.gov) w/

⑥ Penalize steep slope property owners  
I'm tired of paying for their street repairs // landslide WRIA plans

If you have questions about the Environmentally Critical Areas Update Process, please include your name and contact information.

⑦ make sure you built in an automatic revision if science changes

⑧ Be more articulate as to →



Regulated community  
Public needs to know ↓

how you expect the requirement to  
Integrate Best available Science to  
change the focus / level of regulation / method of regulation